

November 9, 2005



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth St., SW  
Washington, DC 20554

Re: *Notice of Ex parte* presentation in ET Docket Nos. 04-186, 04-151

Dear Ms. Dortch:

On November 8, 2005, Harold Feld of Media Access Project, Jim Snider of New America Foundation, and Mike Marcus of Marcus Spectrum Solutions met with John Giusti, adviser to Commissioner Copps, with regard to the above captioned proceedings.

With regard to Docket No. 04-186, the meeting participants discussed the New America Foundation reply comments filed in this proceeding and the attached New America Foundation policy papers. With regard to Docket No. 04-151, the participants observed that the Petitions to Deny raised no new issues not already rejected by the Commission in its initial *Order*. Furthermore, the continued delay in this proceeding and accompanying uncertainty discourages the investment of capital and development of new products by those such as Cisco and CUWN that support the rules.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld  
Senior Vice President

cc:  
John Giusti